IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 348 of 2004

1 Shamsher Ali s/o Asgar Ali

2 Asgar Ali s/o Mohammad Shafi

3 Smt Haseena w/o Asgar Ali

4 Sher Ali s/o Asgar Ali

R/o Village Margubpur

PS Jwalapur

District Haridwar

applicants

Versus

1 State of Uttaranchal

2 Ruhi Afza @ Rubi Parveen

W/o Shamsher Ali

W/o Sri Aameer Ahmad r/o Jeevangarh

PS Vikasnagar, District Dehradun

Respondents.

Hon'ble B.C. Kandpal, J

This petition under Section 482 Cr.P.C. has been filed by the applicants for quashing charge sheet dated 14.9.2003 in case No. 3209 of 2003 State Vs Shamsher Ali etc, u/s 498 A, 323, 504 IPC and ¾ Dowry Prohibition Act.

Opposite party No. 2 Ruhi Afza @ Ruhi Parveen w/o Shamsher Ali has put in appearance and has also filed affidavit.

Respondents No. 2 Ruhi Afza has stated in the affidavit that on 10.1.2004 there was a compromise between the applicant Shamsher Ali and herself and the applicant has returned the luggage of his wife (respondent No. 2) and now there is no dispute between the husband and the wife at present. Both the

parties have filed compromise application before the court below which was verified by the learned Magistrate concerned. The learned court below has sent the same to this court for taking proper action.

I have heard Sh.KS.Verma , learned counsel for the petitioner, learned AGA and perused the compromise deed as well as the affidavit filed by Ruhi Afza opposite party No. 2.

The learned counsel for the parties have invited my attention towards the decision of the Hon'ble Apex Court reported in (2003) 4 SCC 675 B.S.Joshi and others vs State of Haryana and another.

After the perusal of the judgment passed by the Hon'ble Apex Curt as well as in the light of the compromise between both the parties, I think , It would be just and proper to quash the criminal proceedings pending before the court of Special Judicial Magistrate 2nd, Dehradun.

Accordingly the petition under Section 482 Cr.P.C. is disposed of in the light of compromise deed filed by both the parties.

The proceedings pending before the court of Special Judicial Magistrate 2nd ,Dehradun in Case No. 3209/2003 State Vs Shamsher Ali and others under Section 498A, 323, 504 IPC and ¾ Dowry Prohibition Act stands quashed and set aside.

(B.C. Kandpal, J)

25.10.2005
nbj